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SEP 21 2005

OFFICE OF PETITIONS

In re Patent No. 6,870,896 :
Issued: March 22, 2005 : LETTER REGARDING PTA AND
Application No. 10/035,025 : CERTIFICATE OF CORRECTION
Filed: December 28, 2001 :
Atty. Dkt. No.: 10544/169 :
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This letter is in response to the "COMMUNICATION REGARDING PATENT TERM ADJUSTMENT," filed March 28, 2005. The Office thanks patentees for their good faith and candor in bringing this to our attention.

The above-identified application matured into U.S. Pat. No. 6,870,896 on March 22, 2005. The patent issued with a patent term adjustment (PTA) of 14 days. Patentees indicate that the adjustment of 14 days accorded the instant patent is in error because the patent is subject to a terminal disclaimer.

The Office calculates patent term adjustment for examination delay in all eligible applications. In calculating the patent term adjustment, the Office does not differentiate between applications that have terminal disclaimers and those that do not. Nor does the Office undertake the burdensome task of reviewing every application with a terminal disclaimer to determine if the patent term adjustment accorded would adjust the term beyond the expiration date specified in the disclaimer.

Rather, on issuance of the application, in compliance with 35 U.S.C. 154(b) and 37 CFR § 1.703(g), it is indicated in the patent that the patent term adjustment indicated therein is subject to any disclaimer.

As patentees are advising us of a potential error in providing too much patent term adjustment in this application, no fee is due in connection to this matter.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (703) 305-0310.

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